

# EXHIBIT V

PERMANENT RULES

SECRETARY OF STATE

[ Filed May 31, 2005, 11:42 a.m. , effective July 1, 2005 ]

Purpose: To set the filing fee for initiatives, clarify initiative filing process, and define signature verification method.

Reasons for this finding: New federal law requires electronic voting equipment and as counties implement this, new testing procedures are necessary to ensure the security and integrity of elections in the state.

Citation of Existing Rules Affected by this Order: Amending [WAC 434-379-010](#).

Statutory Authority for Adoption: [RCW 29A.04.611](#) and 43.07.120.

Adopted under notice filed as WSR 05-09-047 on April 18, 2005.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 2, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 3, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: May 31, 2005.

Sam Reed

Secretary of State

**OTS-8029.1**

NEW SECTION

**[WAC 434-379-005](#) Filing of an initiative -- Fee -- Required documents.** A person desiring to file with the secretary of state a petition to enact a proposed measure to the legislature or submit a proposed initiative measure to the people, or order that a referendum of all or part of any act, bill, or law, passed by the legislature be submitted to the people, may do so by filing the following documents:

- (1) A legible copy of the measure proposed, or the act or part of such act on which a referendum is desired;
- (2) A notarized affidavit that the sponsor is a legal voter;
- (3) A filing fee of five dollars for each measure submitted.

**NEW SECTION**  
**WAC 434-379-007 Certificate of review.** After filing the documents listed in [WAC 434-379-005](#), a copy of the documents is sent to the code reviser. The code reviser shall issue a certificate of review certifying that he or she has reviewed the measure and that any recommendations have been communicated to the sponsor. Within fifteen working days after the date that the secretary of state submits the proposed measure to the code reviser's office, the sponsor shall file the measure and the certificate of review with the secretary of state for assignment of a serial number. The secretary of state shall refuse to make such assignment unless the measure is accompanied by a certificate of review that has substantially the same topic as the measure.

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**AMENDATORY SECTION**(Amending WSR 04-15-089, filed 7/16/04, effective 8/16/04)

**WAC 434-379-010 Random sampling procedure.** In the verification of signatures on initiative and referendum petitions, under [RCW 29A.72.230](#), the following statistical test may be employed:

- (1) Take ((an)) a minimum three percent unrestricted random sample of the signatures submitted;
- (2) Check each signature sampled to determine the number of valid signatures in the sample, the number of signatures in the sample which are invalid because the individual signing is not registered or the signature is improper in form, and the number of signatures which are duplicated in the sample;
- (3) Calculate an allowance for the chance error of sampling by multiplying the square root of the number of invalid signatures in the sample by 1.5;
- (4) Estimate the upper limit of the number of signatures in the population which are invalid by dividing the sum of the invalid signatures in the sample and the allowance for the chance error of sampling by the sampling ratio, i.e. the number of signatures sampled divided by the number of signatures submitted;
- (5) Determine the maximum allowable number of pairs of signatures in the population by subtracting the sum of the number of signatures required by Article II, Section 1A of the Washington state constitution and the estimate of the upper limit of the number of invalid signatures in the population from the number of signatures submitted;
- (6) Determine the expected number of pairs of signatures in the sample by multiplying the square of the sampling ratio by the maximum allowable number of pairs of signatures in the population;
- (7) Determine the acceptable number of pairs of signatures in the sample by subtracting 1.65 times the square root of the expected number of pairs of signatures in the sample from the expected number of pairs of signatures in the sample;
- (8) If the number of pairs of signatures in the sample is greater than the acceptable number of pairs of signatures in the sample, each signature shall be canvassed to determine the exact number of valid signatures;
- (9) If the number of pairs of signatures in the sample is less than the acceptable number of pairs of signatures in the sample, the petition shall be deemed to contain sufficient signatures and the serial number and ballot title shall be certified to the state legislature as provided in [RCW 29A.72.230](#) or to the county auditors as provided in [RCW 29A.72.250](#).

[Statutory Authority: [RCW 29A.04.610](#). 04-15-089, § 434-379-010, filed 7/16/04, effective 8/16/04. Statutory Authority: [RCW 29.04.080](#), [29.04.210](#), [29.36.150](#) and [29.79.200](#). [97-21-045](#), recodified as § 434-379-010, filed 10/13/97, effective 11/13/97. Statutory Authority: [RCW 29.79.200](#) and [29.04.080](#). [97-17-035](#), § 434-79-010, filed 8/13/97, effective 9/13/97. Statutory Authority: [RCW 29.79.200](#). 78-08-032 (Order 78-2), § 434-79-010, filed 7/17/78.]

**NEW SECTION**

**WAC 434-379-020 Signature verification standard.** A signature on a petition sheet will be matched to the signature on file in the voter registration records. A signature is considered a match if at least three of the following criteria are met:

- (1) The capital letters match;

(2) Letters tail off alike;

(3) Letter spacing is the same;

(4) The space between the signature and the line is the same;

(5) The beginning and ending of the signature and the slant are consistent;

(6) Unique letters in the signature match;

(7) The overall appearances match.

In determining whether a signature matches the signature in the registration file, the age of the voter and the date of the signature on the registration file may also be considered.

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